

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TONY SMITH,

Plaintiff,

v.

WASHINGTON DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

CASE NO. C11-5731 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 37. The Court having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

(1) The R&R is **ADOPTED**;

(2) Plaintiff’s claim relating to not having traditional foods at the end of Ramadan Feast should be dismissed without prejudice. This claim was not exhausted through the prison grievance system. All other claims should be dismissed with prejudice; and

1 (3) In forma pauperis status is revoked for purposes of appeal.

2 Dated this 11th day April, 2013.

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5 BENJAMIN H. SETTLE  
6 United States District Judge  
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